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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
A.P. STATE WAQF BOARD,
4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No. 02 / M / NLR / 2017 / Z-IV / Supply.

Date: 24-05-2023.

SPSR NELLORE DISTRICT - A.S. PETA (V & M) MANDAL - DARGAH OF SYED SHAH HAJI KHWAJA RAHMATULLAH SAHEB (NAYAB-E-RASOOL), MASJID AND ITS ATTACHED PROPERTIES - FURTHER EXTENSION OF SUSPENSION OF SRI.S.G.N HAFEEZ PASHA, SAJJADANASHEEN CUM MUTAWALLI (UNDER SUSPENSION) BEYOND (10) DAYS ON THE RECORDED LAPSES OF SUSPENDED MUTAWALLI, ON VARIOUS ALLEGATIONS SUCH AS MORAL TURPITUDE, MISMANAGEMENT, LACK IN TRANSPARENCY etc., - ORDERS OF THE HON'BLE HIGH COURT DATED: 18-04-2023 IN WP No.9030/2023 - FAILED TO AVAIL OPPORTUNITY PROVIDED.

Read : 1.This Office Board's proceedings of even No., dated:17-02-2023.

2.This Office Notice of even No. dated: 20-02-2023 to Sri S.G.N Hafiz Pasha, suspended Mutawalli for his appearance.

3.Explanation of the suspended Mutawalli, dated: 22-02-2023 submitted before the Enquiry Officer on 23-02-2023 through his counsel.

4. Board Resolution No.705 of 2023, dated: 28-02-2023

5.This office proceedings of even No., dated:28-02-2023.

6.Orders dated:06-03-2023 of Hon'ble High Court of AP in WP No.5273 of 2023.

- 7.This office Notice of even No., dated:09-03-2023.
- 8.Explanation of the suspended Mutawalli, dated:13-03-2023 submitted before the Enquiry Officer on 14-03-2023 through his Counsel.
- 9.This office proceedings of even No., dated:17-03-2023.
- 10.Orders dated:18-04-2023 of Hon'ble High Court of AP in WP No.9030 of 2023.
- 11.This Office Notice of even No. dated: 20-04-2023 to Sri S.G.N Hafiz Pasha, suspended Mutawalli.
- 12.This office Memo of even No., issued by CA/SO, APSWB, Vjd dated: 20-04-2023 to Suspended Muthawalli enclosing material as desired.
- 13.Explanation sent through his counsel dated:28-04-2023.
- 14.Explanation/ Memo filed though his Counsel for personal appearance fixed on 01-05-2023, but not appeared in person.
15. Complaint dated:02-05-2023 from Tabassum Fatima D/o. M.A. Zaheer R/o. Owaisi colony MD-Lines, Tolichowki, Hyderabad alleging sexual harassment since past 3 years by Suspended Mutawalli Hafeez Pasha, Sajjada and Mutawalli of subject waqf institution.

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ORDER:

The Waqf institution namely Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb Peer (Nayab -e- Rasool), Sunni Mosque and its attached landed properties Ac. 26.24 cents situated at A.S. Peta Village and Mandal of SPSR Nellore District, is a notified Waqf property and got published in A.P.Gazette No.18-A, Part-II, dated: 02-05-1963 at Serial No.09.

On receipt of several complaints against Sri S.G.N Hafeez Pasha, Mutawalli of Dargah Hzt Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool), Masjid and its attached properties at A.S.Peta (V&M), SPSR Nellore District levelling various allegations of Moral turpitude, mismanagement, misappropriation, lack of transparency, etc., the Board in its meeting held on 16-02-2023 has resolved to suspend the incumbent Mutawalli for a period of ten (10) days U/sec. 64(5) of Waqf Act, 1995 vide resolution No.704/2023, dated:16-02-2023 and issued orders vide reference 1st cited above. Subsequently, the subject institution was taken under the direct management by the AP State Waqf Board, Vijayawada and Sri.Shaik Mohammed Hussain, Supdt., APSWB was appointed as an Executive Officer to manage the day-to-day affairs of the subject institution. As per the decision of the Board the undersigned Chief Executive Officer, A.P. State Waqf Board, Vijayawada was appointed as an enquiry officer to conduct enquiry on the above-mentioned allegations and irregularities.

In pursuance of the proviso under sub-section (5) of Section 64 of the Waqf Act, 1995, a notice vide ref. 2nd cited above, dated: 20-02-2023 was issued so as to provide him an opportunity of personal hearing and to enable him to submit his explanations and to appear before the under signed on 23-02-2023 at 2:30 PM in the O/o. AP State

Waqf Board, Vijayawada, to submit his explanation with Supportive documentary evidence if any. As such Sri P.Somaraju, Advocate filed vakalat on behalf of the petitioner Sri S.G.N.Hafeez Pasha and submitted his explanation vide ref. 3rd read above, dated: 23-02-2023. Further he has also prayed to grant him sufficient time so as to enable him to submit a detailed reply.

On perusal and examining the contents of the reply and also after giving him an opportunity of personal hearing of the Counsel representing the suspended Mutawalli, it is found that the explanation submitted by him is not satisfactory and not convincing and found necessary to extend the suspension period beyond (10) days since the matter requires a detailed enquiry through an Enquiry Officer on the allegations, irregularities and complaints which are of serious nature as his continuance in the office of Mutawalli will hamper the enquiry proceedings which require verification of all records, documents, accounts etc., in respect of the subject institutions.

Consequently, the matter was placed before the Board in its meeting held on 28-02-2023. The Board after discussing the matter in detail and in consequent to the findings of the Enquiry officer and as per the material available on record vide resolution No.705/2023, dated:28-02-2023 has resolved to extend the suspension period Sri S.G.N Hafeez Pasha, as Mutawalli of Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool) (Rh), Masjid and its attached properties situated at A.S.Peta (V&M), SPSR Nellore District and the same was extended beyond ten (10) days under sub-section (5) of Sec 64 of Waqf Act,1995 considering the prima-facie allegations of moral turpitude, mismanagement, lack of transparency in affairs, etc., and in the interest of the subject Waqf institution. In view of the above Sri A.K.Nazeer Saheb, (Retd.,) Addl. Director Sericulture / E.O appointed as Enquiry Officer to conduct detailed enquiry U/s.71 of Waqf Act,1995 duly following the Rules.24 of A.P. Waqf Rules, 2000 on the complaints of moral turpitude, mismanagement, lack of transparency in affairs, on various allegations published in News items etc., accordingly proceedings dated: 28-02-2023 were issued vide ref.5th read above.

Aggrieved by the orders dt:28-02-2023 of Waqf Board, the suspended Mutawalli of Sri S.G.N. Hafeez Pasha preferred a WP No.5273 of 2023 praying for to declare the resolution No.705/2023, dated:28-02-2023 of the AP State Waqf Board and consequential proceedings of Waqf Board bearing No.02/M/NLR/2017/Z-IV/Supply, dated:28-02-2023 as illegal and also challenged the Gazette Notification No.G.2735, dated:01-03-2023 and the Hon'ble High Court by its order dated:06-03-2023 in WP.No.5273/2023 was pleased to direct AP State Waqf Board to pass fresh order after affording him a reasonable opportunity of hearing.

Pursuant to the directions of the Hon'ble High Court's orders dated:06-03-2023, a notice was issued to suspended Mutawalli vide ref.7th read above giving him a reasonable opportunity to substantiate his case along with documentary evidences and to appear either in person / through his advocate before the Chief Executive Officer on 14-03-2023 at 3:00 PM at O/o. AP State Waqf Board, Vijayawada.

In the ref. 8th read above, Sri S.G.N. Hafeez Pasha has submitted his explanation through his counsel on 14-03-2023. Considering the available record and contents of the replies / explanations submitted by the Mutawalli under suspension, the enquiry Officer submitted his findings / report before the Board / Competent Authority.

The Competent Authority/ Special Officer, APSWB after going through the explanation of the suspended Mutawalli, found it appropriate and necessary to continue the suspension period of the Mutawalli Sri S.G.N.Hafeez Pasha as his continuation in office will definitely affect the enquiry which is a must to arrive at a conclusion of true facts of the complaints and allegations of serious nature vide reference 9th read above.

In view of the above, the period of suspension of Sri S.G.N.Hafeez Pasha, as Mutawalli of Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool), Masjid and its attached properties situated at A.S. Peta (V&M), SPSR Nellore District was extended vide ref. 9th read above beyond ten (10) days under sub-section (5) of Sec.64 of Waqf Act,1995 considering the prima-facie evidences of moral turpitude, mismanagement, lack of transparency in affairs, etc., and in the interest of the subject Waqf institution. And Sri.A.K. Nazeer Saheb, Retd. Addl. Director Sericulture / E.O. was appointed as regular Enquiry Officer to conduct detailed enquiry U/s.71 of Waqf Act,1995 duly following the Rules.24 of A.P. Waqf Rules, 2000 on the complaints / allegations leveled against him.

Sri Shaik Mohammed Hussain, Supdt., APSWB, Vijayawada appointed as Executive Officer of Dargah Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab-e-Rasool), Mosque and its attached properties at A.S. Peta (V&M), SPSR Nellore District under direct management on behalf of Waqf Board to manage the day to day affairs of the subject institutions till further orders U/s 38 of Waqf Act 1995 and the said Executive Officer is managing the same.

The petitioner again approached the Hon'ble High Court and in W.P.No.9030/2023 dated:18-4-2023 the Hon'ble High Court suspended the proceedings No.02/M/NLR/2017/Z-IV/Supply, dated:16-03-2023 in respect of extension of suspension period of Sri SGN Hafeez Pasha (Mutawalli under suspension) beyond (10) days. However, it is stated that it will not preclude the Special Officer from giving

An opportunity of hearing to the Petitioner and pass afresh orders of suspension superseding the impugned order. It is also specified that the hearing would be conducted by Special Officer and orders shall be passed by Special officer containing reasons as to why a decision is taken.

In compliance to the orders of the Hon'ble High Court and in order to give one more opportunity to Sri S.G.N.Hafeez Pasha of hearing in person, Notice dated: 20-04-2023 has been issued requesting Sri S.G.N.Hafeez Pasha to appear in person / through an Advocate on 28-04-2023 at 3:00 PM duly providing all the available records and material once again.

In consequent to the above Notice of appearance, the Petitioner did not attend on 28-04-2023 in person for hearing, instead his son namely Sri S.G.N.Junaid Pasha along counsel attended the enquiry but did not produce any medical evidence to substantiate his absence in person of ill-health and submitted explanation through his counsel. Wherein, the petitioner repeatedly mentioned that he was not provided the record and material available in the office as requested by him earlier to submit the explanation. He requested to provide the record which was available in the office of the Dargah. Further, the petitioner has just denied the complaints and irregularities against him without attending personal hearing as per Hon'ble Court directions.

In this context it is to emphasize that, as per the contents of the Panchanama dated:18-02-2023 conducted in the presence of Revenue and Police authorities at the time of taking the waqf institution under direct management, no such records / material were available in the office except few receipt books. In this connection the Executive Officer of the Dargah Sahrief has issued Notice dated 12-04-2023 to Sri S.G.N.Hafeez Pasha for submission of all the available records with him. Subsequently, the Executive Officer of the Dargah on the instructions of the Head office filed complaint before the Police authorities to recover the records from Sri S.G.N.Hafeez Pasha.

In this backdrop the version of Sri S.G.N.Hafeez Pasha stating that no records were provided to him is totally false and concocting to the facts misleading the authorities and the Hon'ble High Court. In view of the above facts, it is found the following reasons:

1. Sri S.G.N.Hafeez Pasha (Petitioner) has failed to appear in person for personal hearing to substantiate his defence even though ample time and opportunity was provided to him twice on his request to disprove the irregularities mentioned in the suspension proceedings dt:17-02-2023 and more so he has stated in his reply dated:01-05-2023 that the orders may be passed in accordance of the orders of Hon'ble High Court passed in WP No. 9030 of 2023 dated:18-04-2023

2. Sri S.G.N.Hafeez Pasha has failed to produce the records available with him though Notice has been issued, that he has informed that the entire records were available in the Dargah Office only, which is totally false and baseless statement which requires investigation by the Police to trace out the records for which a complaint is lodged with the police and the Police registered a case and issued an FIR No.27/2023, Dated:09-05-2023 and the investigation is going on.
3. It is the prime responsibility and duty of Mutawalli managing the institution has to produce the records whenever required by the Board for verification.
4. As per prima-facie Sri S.G.N Hafeez Pasha Petitioner has failed to perform his prime duty to submit the records and information even after written notices from the Waqf officials, which reveals his irresponsibility and malafide intention in hiding the office records to cover up his financial irregularities.
5. That he failed to maintain the proper accounts, not paid Waqf Fund on the actual income of the institution since his appointment as Mutawalli.
6. That he failed to comply the written instructions issued by the Board from time to time in respect of the opening of Hundies of the institution which amounts the suppression of real income.
7. Miss Tabassum Fatima D/o M.A.Zaheer R/o Owaisi colony, MD lines, Towlichowki, Hyderabad who has filed criminal cases of sexual harassment under various IPC sections and POSCO Act 2012 before the concerned Police against the petitioner S.G.N.Hafeez Pasha has personally approached the O/o A.P.S.W.Board and submitted written complaint narrating the incidents with a request not to allow him to continue in any post for moral turpitude and to terminate him from his posts so as to save the lives of other girls who approached him for treatment.

Hence, the aforesaid reasons, I am of the firm view to extend the suspension beyond the period of ten (10) days in respect of Sri S.G.N.Hafeez Pasha Petitioner to hold an enquiry to find out the truth and facts which are of serious nature of moral turpitude, mismanagement, lack of transparency and financial embezzlement related to the subject institution whether the Petitioner has committed irregularities and violated the provisions of Waqf Act, 1995 or not.

Accordingly the suspension period of the petitioner Sri S.G.N Hafeez pasha is hereby extended beyond ten days till necessary decision is taken by Board on the regular report. The regular enquiry shall be completed by the appointed Enquiry Officer Sri. A.K.Nazeer Saheb within the stipulated time period U/s 71 of the Waqf Act 1995 and subsequent rules therein.

(Sd/-).,
Special Officer,
Competent Authority,
A.P. State Waqf Board,
Vijayawada.

To
Sri S.G.N Hafeez Pasha,
Mutawalli (Under Suspension)
Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb Peer
@ Nayab -E- Rasool and Masjid, A.S.Peta (V&M), SPSR Nellore District.
(through the E.O. of the subject Dargah).

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